

Chilled Fillets * * * Forty Fathom Fish," "Cape Anne Ocean Perch," "Whiting Fillets Skins On * * * Seafresh * * * Packed by General Seafoods Corporation," "Stk. Dr. Whiting * * * Cold Seal Fillets," "Blue Ribbon Fancy Skinless Fillets General Seafoods Corporation," "Butterfly Whiting Fillets * * * Packed By Gorton-Pew Fisheries Co. Ltd."

The libels alleged that the articles were adulterated in that portions consisted in whole or in part of filthy animal substances; others consisted in whole or in part of decomposed animal substances; one lot consisted in whole or in part of a filthy and decomposed animal substance; and one lot consisted in whole or in part of a decomposed and putrid animal substance.

Between the dates of April 12, 1939, and July 5, 1939, the Forty Fathom Fisheries, claimant for the lot seized at Augusta, Ga., having withdrawn its claim and no claimant having appeared in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed, with the exception of the lot seized at Chicago, Ill., which was ordered converted into fertilizer.

M. L. WILSON, *Acting Secretary of Agriculture.*

30803. Adulteration of frozen fish. U. S. v. 1,253 Cases of Frozen Fillets (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44743, 44966, 44967, 44968. Sample Nos. 31106-D, 49734-D, 49735-D, 49737-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed. Certain lots were also found to be infested with parasitic worms.

On January 28 and March 10, 1939, the United States attorneys for the District of Colorado and the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1,253 cases of perch fillets at Pueblo, Colo., and 147 cases of perch fillets at Dallas, Tex., consigned by the General Seafoods Corporation; alleging that the articles had been shipped from Boston, Mass., within the period from on or about June 11, 1938, to on or about February 14, 1939; and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Product of Beacon Fisheries Frozen Fillets Division of Bay State Fish Co., Boston, Mass." The remainder was labeled in part: "Ocean Perch Fillets."

The libels alleged adulteration in that a portion of the article consisted in whole or in part of a decomposed animal substance and the remainder consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 8 and May 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30804. Adulteration of flour. U. S. v. 16 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 44712. Sample No. 62507-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On January 25, 1939, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 sacks of flour at Gulfport, Miss.; alleging that the article had been shipped on or about November 1, 1938, by the Dixie Portland Flour Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed for Baltic Mills, Vincennes, Ind., Snowdrift * * * Self-Rising Flour."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On July 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30805. Adulteration and misbranding of lemon extract. U. S. v. Nine Cases of Lemon Extract. Default decree of condemnation and destruction. (F. & D. No. 44705. Sample No. 28190-D.)

This product was an artificially colored imitation lemon extract that was deficient in lemon oil.

On January 20, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of lemon extract at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce from Vancouver, Wash., on or about December 30, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act. This shipment consisted of goods formerly shipped to Vancouver, Wash., which had been returned by the consignee. The article was labeled in part: "Bake-Rite Pure Lemon Extract Bake-Rite Co. San Francisco."

It was alleged to be adulterated in that an imitation lemon extract deficient in lemon oil had been substituted wholly or in part for it; and in that it was mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statements, (case) "Lemon Extract" and (bottle) "Pure Lemon Extract," were false and misleading and tended to deceive and mislead the purchaser when applied to imitation lemon extract deficient in lemon oil and which contained artificial color. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article.

On July 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30806. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45548. Sample No. 67370-D.)

This product contained less than 80 percent of milk fat.

On June 29, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 20, 1939, by Kearney Cooperative Creamery from Minden, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On July 17, 1939, Kearney County Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

30807. Adulteration of butter. U. S. v. 20 Packages and 80 Packages of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 45282. Sample No. 44628-D.)

This product contained less than 80 percent of milk fat.

On April 28, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 packages of sweet butter and 80 packages of salted butter at Bloomfield, N. J.; alleging that the article had been transported in interstate commerce on or about April 25, 1939, by John Tenson from Huff's Church Creamery, Allentown, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Huff's Church Pure Creamery Butter, Moyer Bros. * * * Barto, Pa."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*